



Planning and Development Services

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MEETING MINUTE SUMMARY TOWN OF BRIGHTON PLANNING COMMISSION MEETING Wednesday, July 21, 2021 6:45 p.m.

****Meeting minutes approved on August 18, 2021****

Approximate meeting length: 1 hour 26 minutes

Number of public in attendance: 6

Summary Prepared by: Wendy Gurr

Meeting Conducted by: Commissioner Despain

***NOTE:** Staff Reports referenced in this document can be found on the State website, or from Planning & Development Services.

ATTENDANCE

Commissioners and Staff:

Commissioners	Public Mtg	Business Mtg	Absent
Donna Conway	x	x	
Don Despain (Chair)	x	x	
Ulrich Brunhart	x	x	
Tom Ward	x	x	
Ben Machlis (Vice Chair)	x	x	
Phil Lanouette (Alternate)	x		
John Carpenter (Alternate)	x	x	

Planning Staff / DA	Public Mtg	Business Mtg
Wendy Gurr	x	x
Lupita McClenning	x	x
Jim McNulty	x	x
Polly McLean	x	x

BUSINESS MEETING

Meeting began at – 6:50 p.m.

- 1) Approval of Minutes from the June 16, 2021 Planning Commission Meeting.

Motion: To approve Minutes from the June 16, 2021 Planning Commission Meeting as presented.

Motion by: Commissioner Ward

2nd by: Commissioner Conway

Vote: Commissioners voted unanimous in favor (of commissioners present)

- 2) Other Business Items (as needed)

PUBLIC HEARING(S)

Hearings began at – 6:53 p.m.

OAM2021-000369 – Proposal to amend the existing Floodplain Ordinance in Section 19.74 of the Brighton Municipal Code. This update will replace the existing Section 19.74 with new language that conforms with current State of Utah and FEMA requirements. **Planner:** Travis Hair (Motion/Voting)

The Planning Commission will act on the proposed Ordinance Amendment after taking comments from the

public during the public hearing. Public comments will be provided pursuant to the planning commission's rules of conduct, which are attached to the back of this agenda. Public comments will be limited to three minutes per person.

Greater Salt Lake Municipal Services District Planning Manager Jim McNulty provided an analysis of the Ordinance Amendments.

Commissioner Machlis said he doesn't feel comfortable approving an ordinance without redlines. Commissioner Ward and Commissioner Despain agree with Commissioner Machlis. Ms. McLean said completely revamped, and tried updating the existing, but was so different. Mr. Hair worked with the state and FEMA and confirmed has everything FEMA wants and is not just a little redline. Commissioner Machlis said difficult to be told making changes to something in existence. Commissioner Ward asked what the add ons are, anything different from the county. Mr. McNulty said would need time to come back and do that. Commissioner Brunhart asked if this is identical to what the county is coming up with. Ms. McClenning said floodplain administrator, and this went to the feds. Originally Brighton wasn't going to adopt, this needs to be done and incorporated. Will be different than anywhere else, if you want certain requirements, they can be added in. can have a more restricted standard, need states mapping, this fulfils the requirement for FEMA. Ms. McLean asked what the deadline is for the feds. Ms. McClenning will look into a hard due date. Commissioner Ward said we have an enforceable ordinance now, it just needs to be updated. Ms. McClenning said do have something, everyone is going through an update, this is specific to Brighton and capturing what needs to be captured. Commissioner Machlis said check to make sure they are doing what needs to be done. Ms. McClenning said capturing everything that needs to be captured. Ms. McClenning said will forward the ordinance to see that changes. Ms. McLean asked if Mr. Hair could be at the next meeting to discuss the changes. Commissioner Ward asked if in jeopardy of disaster funds, will take the time. Ms. McLean said no one said no one told them FEMA insurance wouldn't cover.

Commissioner Machlis motioned to open the public hearing, Commissioner Ward seconded that motion.

PUBLIC PORTION OF HEARING OPENED

Speaker # 1: Town of Brighton Council

Name: Carolyn Keigley

Address: Not provided

Comments: Ms. Keigley thanked the commissioners for their expertise and thoroughness.

Speaker # 2: Big Cottonwood Canyon Community Council

Name: Barbara Cameron

Address: Not provided

Comments: Ms. Cameron said she appreciates the commissioners thoroughness.

Commissioner Despain closed the public hearing.

PUBLIC PORTION OF HEARING CLOSED

Motion: To continue file #OAM2021-000369 on the Proposal to amend the existing Floodplain Ordinance in Section 19.74 of the Brighton Municipal Code to the August 18th meeting to allow MSD staff to compile information and provide answers to questions.

Motion by: Commissioner Machlis

2nd by: Commissioner Ward

Vote: Commissioners voted unanimous in favor

OAM2021-000370 - Proposal to amend definitions for a breezeway and a second kitchen in Section 19.04 of the Brighton Municipal Code and remove caretaker units as a Conditional Use in 19.12.030 (H). **Planner:** Travis Hair (Motion/Voting)

The Planning Commission will act on the proposed Ordinance Amendment after taking comments from the public during the public hearing. Public comments will be provided pursuant to the planning commission's rules of conduct, which are attached to the back of this agenda. Public comments will be limited to three minutes per person.

Greater Salt Lake Municipal Services District Planning Manager Jim McNulty provided an analysis of the Ordinance Amendments.

Ms. McLean said two-step process, looking at definitions, next step is to incorporate with the IADU's. Commissioner Machlis confirmed today asking to weigh in on the definitions and later whether a second kitchen is conditional or permitted. Commissioner Machlis said clarifies and how the definitions fit in. not changing anything or what people are allowed to do.

Ms. McLean said hoping to have IADU ordinance in August, needs to be approved by October. Commissioner Machlis said concern of attached and detached has a gap, not having three feet or continuous roofline.

Commissioners and staff had a brief discussion regarding combining two parcels in to one, water shares and quantity of water and allocation, and breezeway as an IADU, future dispute of meeting definition of attached and detached, state code requirement to allow IADU, statewide requirement to allow as a permitted use. Commissioner Carpenter submitted a change freestanding and don't share a common foundation, change to freestanding, or do not share any significant structural elements. If foundation is not shared, detached, if structural elements aren't shared, detached. If or don't share three feet of a common interior wall, would be detached. Anything that doesn't allow is a conditional use. Ms. McLean said to change the rules is to change the code, clarify neither can happen with a breezeway because they undermine the overall goals. Burden making sure on overuse of a water share will require work from water districts would be in their rules to make it clear what is allowed.

Commissioner Machlis motioned to open the public hearing, Commissioner Conway seconded that motion.

PUBLIC PORTION OF HEARING OPENED

Speaker # 1: Town of Brighton Council

Name: Carolyn Keigley

Address: Not provided

Comments: Ms. Keigley thanked the commissioners preserving scarce water and scarce sewer lines for the future.

Speaker # 2: President – Silver Fork Water Company

Name: Phil Lanouette

Address: 11365 East Balsam Forest Lane

Comments: Mr. Lanouette said he appreciates this earnest discussion, personally welcome the discussion going on and refine to make sense without taking away real estate property rights.

Speaker # 3: Citizen

Name: Jon Lange

Address: Not provided

Comments: Mr. Lange said definitions of kitchen, attached and detached work on tightening down. Canyon supports attached garages, concerns on utilities and don't see why allowing utilities to attached structures for cars and storages, and make sure no crafty individuals finding loopholes.

Speaker # 4: Town of Brighton Council

Name: Jenna Malone

Address: Not provided

Comments: Ms. Malone thanked the commissioners for their diligence and efforts. Saw Tribune article on Town of Oakley, halt to new building because of drought. Like to continue with IADU's, trying to define breezeway and see if extending utilities to garages and definition of what is allowed.

Commissioners discussed forward progress, identify what is allowed and an attached structure. Commissioner Conway said just say if it is not attached, its detached. Don't need water and sewer in a garage. Limited square footage, water usage monitored is a limiting factor, meter exploration and rate structure.

Speaker # 5: Town of Brighton Council

Name: Carolyn Keigley

Address: Not provided

Comments: Ms. Keigley said Forest Glen has two HOA's and two water companies, only allow by their rules. One building per lot, no water shares and all metered, not told how big their homes can be and water board speaks to the resident directly if they use too much water.

PUBLIC PORTION OF HEARING CLOSED

Motion: To continue file # OAM2021-000370 on the Proposal to amend definitions for a breezeway and a second kitchen in Section 19.04 of the Brighton Municipal Code and remove caretaker units as a Conditional Use in 19.12.030 (H) to the August 18th meeting to allow MSD staff to revisit definitions as discussed and draft to avoid any grey area people can argue they don't fit in to attached or detached.

Motion by: Commissioner Machlis

2nd by: Commissioner Brunhart

Vote: Commissioners voted unanimous in favor

Commissioner Despain concluded the meeting.

MEETING ADJOURNED

Time Adjourned – 8:16 p.m.